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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,492	02/23/2004	Kyle Marvin	B241 1500.1	2152
74739 7590 03/31/2009 Womble Carlyle Sandridge & Rice, PLLC Oracle International Corporation Attn: Patent Docketing 32nd Floor Post Office Box 7037 Atlanta, GA 30357-0037				
			EXAMINER KISS, ERIC B	
			ART UNIT 2192	PAPER NUMBER
			MAIL DATE 03/31/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/784,492

**Applicant(s)**

MARVIN ET AL.

**Examiner**

ERIC B. KISS

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2192

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 15-27, 29, 30 and 47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-27, 29, 30 and 47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20081013
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 23, 2009, has been entered. Claims 1-13, 15-27, 29, 30, and 47 are pending.

### ***Response to Amendment***

2. The rejection of claims 1-13, 15-27, 29, 30, and 47 under 35 U.S.C. § 101 is withdrawn in view of applicants' amendments.
3. The rejection of claims 6 and 11-13 under 35 U.S.C. § 112, second paragraph, is withdrawn in view of applicants' amendments.

### ***Response to Arguments***

4. Applicant's arguments filed October 13, 2008, have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no disclosure that would provide how any references can be combined technically to arrive at the claimed invention, the test for obviousness is not whether the features of a secondary reference may be bodily

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incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-13, 15-27, 29, 30, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0005181 A1 (BAU, III, et al.) in view of US 2002/0174241 A1 (BEGED-DOV et al.).

As per claim 1, *BAU, III, et al.* discloses a computer readable medium having instructions stored thereon (see, for example, paragraph [0096] on p. 8) that, when executed by a processor, causes the processor to provide a network-accessible service, the instructions comprising:

an annotated source code, which is a programming language augmented with declarative meta-data that exposes program logic as a network-accessible service (see, for example, paragraph [0026] on p. 2);

at least one deployed service component that provides the network-accessible service to a client (see, for example, paragraph [0026] on p. 2); and

an enhanced compiler that analyzes the annotated source code, recognizing numerous types of meta-data annotations, and generating a mechanism, which includes one or more of: object files, software components and deployment descriptors, to facilitate the deployment of the at least one service component (see, for example, paragraph [0026] on p. 2).

*BAU, III, et al.* fails to expressly disclose implementing such a security type. However, *BEGED-DOV et al.* teaches such security types (for example, user identity...) in the context of web services (see, for example, paragraph [0019] on p. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such a security type as per the teachings of *BEGED-DOV et al.* One would be motivated to do so to mitigate risk by providing a known security mechanism (see, for example, *BEGED-DOV et al.*, paragraph [0019] on p. 3).

As per claim 2, *BAU, III, et al.* further discloses the network-accessible service is a Web service (see, for example, paragraph [0026] on p. 2).

As per claim 3, *BAU, III, et al.* further discloses the system is capable of simultaneously managing multiple transactions, wherein each transaction can be a conversation of a request and/or a response from the client for the network-accessible service (see, for example, paragraphs [0045] through [0056] on pp. 4-5).

As per claim 4, *BAU, III, et al.* further discloses the system is capable of managing multiple asynchronous transactions, wherein within each asynchronous transaction, the response may be temporally separated from the initiating request for the network-accessible service from the client (see, for example, paragraphs [0045] through [0056] on pp. 4-5).

As per claim 5, *BAU, III, et al.* further discloses an integrated development environment (IDE) capable of facilitating a graphical interface-based design and deployment of the network-accessible service (see, for example, paragraph [0026] on p. 2).

As per claim 6, *BAU, III, et al.* further discloses the annotated source code is Java-based (see, for example, paragraph [0079] on p. 6).

As per claim 7, *BAU, III, et al.* further discloses the meta-data can be either in-file with the annotated source code, or in a separate file, which can be a specially formatted XML file (see, for example, paragraph [0043] on p. 4).

As per claim 8, *BAU, III, et al.* further discloses the annotated source code is capable of facilitating access to an external service, which can be one of stateful, stateless, synchronous, and asynchronous (see, for example, paragraphs [0068] and [0069] on p. 5).

As per claim 9, *BAU, III, et al.* further discloses the annotated source code is capable of defining a wire binding between the network-accessible service and a physical wire format and/or protocol (see, for example, paragraphs [0058] and [0059] on p. 5).

As per claim 10, *BAU, III, et al.* further discloses the wire binding can be at least one of: SOAP over HTTP or SMTP; transport of XML via generic HTTP Post; transport of XML over other protocols such as FTP and mail; and transport of XML over messaging services such as JMS or MSMQ (see, for example, paragraphs [0058] and [0059] on p. 5).

As per claim 11, *BAU, III, et al.* further discloses the at least one service component comprises a servlet container and an Enterprise Java Bean (EJB) container,

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which are coupled together to deploy a Web service (see, for example, paragraphs [0085] and [0086] on p. 7).

As per claim 12, *BAU, III, et al.* further discloses the servlet container is capable of at least one of: listening and responding to a service request from the client; and identifying and queuing the service request to be buffered (see, for example, paragraphs [0085] and [0086] on p. 7).

As per claim 13, *BAU, III, et al.* further discloses the EJB container is capable of dispatching a service request based on meta-data to a stateless or stateful component (see, for example, paragraphs [0085] and [0086] on p. 7).

Regarding claim 15, see the disclosure and teachings applied above to claim 1.

As per claim 16, *BAU, III, et al.* further discloses the enhanced compiler is capable of creating reliable messaging software for the network-accessible service using a specification provided by the annotated source code, wherein the reliable message software is capable of guaranteeing message delivery for communication between the service and the client (see, for example, paragraphs [0007] and [0008] on p. 1).

Regarding claims 17 and 18, in addition to the disclosure applied above, *BAU, III, et al.* fails to expressly disclose implementing such an interceptor. However, *BEGED-DOV et al.* teaches such an interceptor (for example, interception and transformation...) in the context of web services (see, for example, paragraphs [0018] through [0020] on pp. 2-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such an interceptor as per the teachings of *BEGED-DOV et al.* One would be motivated to do so to efficiently implement a secure transfer of resources (see, for example, paragraphs [0018] through [0020] on pp. 2-3).

Regarding claims 19-27, 29, and 30, these are method versions of the claimed machine readable media discussed above (claims 1-5, 8, 9, 12-14, 16, and 17), wherein all limitations have been addressed as set forth above.

As per claim 47, *BAU, III, et al.* discloses a machine readable medium having instructions stored thereon (see, for example, paragraph [0096] on p. 8) that when executed, cause the system to:

expose program logic as a network-accessible service using an annotated source code, which is a programming language augmented with declarative meta-data capable of (see, for example, paragraph [0026] on p. 2);

provide the network-accessible service to a client (see, for example, paragraph [0026] on p. 2); and

analyze the annotated source code, recognizing numerous types of meta-data annotations, and generating a mechanism, which can include one or more of: object files, software components and deployment descriptors, to facilitate the deployment of the at least one service component (see, for example, paragraph [0026] on p. 2).

*BAU, III, et al.* fails to expressly disclose implementing such an interceptor. However, *BEGED-DOV et al.* teaches such an interceptor (for example, interception and transformation...) in the context of web services (see, for example, paragraphs [0018] through [0020] on pp. 2-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such an interceptor as per the teachings of *BEGED-DOV et al.* One would be motivated to do so to efficiently implement a secure transfer of resources (see, for example, paragraphs [0018] through [0020] on pp. 2-3).



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***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric B. Kiss/

Eric B. Kiss

Primary Examiner, Art Unit 2192